

## Chapter 22.5

### MECHANICAL<sup>1</sup>

- Art. I. In General, §§ 22.5-1 -- 22.5-20**  
**Art. II. Mechanical Journeymen and Contractors, §§ 22.5-21 -- 22.5-51**  
Div. 1. Generally, §§ 22.5-21 -- 22.5-30  
Div. 2. Board of Mechanical Examiners, §§ 22.5-31 -- 22.5-50  
Div. 3. Examinations, Licenses and Certificates, § 22.5-51

#### ARTICLE I. IN GENERAL

##### **Sec. 22.5-1. Mechanical code adopted.**

The Standard Mechanical Code, 1997 edition, one (1) copy of which is, and has been on file in the Office of the City Council Clerk for more than fifteen (15) days, is hereby adopted as the official Mechanical Code of the City.

(Code 1986, § 22.5-1; Ord. No. 9361, § 1, 5-8-90; Ord. No. 9654, § 106, 1-6-92; Ord. No. 10174, § 1, 3-7-95; Ord. No. 10677, § 1, 3-10-98)

##### **Sec. 22.5-2. Appendices to code adopted.**

The following appendices to the Standard Mechanical Code, 1997 edition, and as further amended in this chapter, are hereby adopted as part of the official Mechanical Code of the City:

*Appendix A, Guidelines for Estimating Heat Loss and Gain*

*Appendix B, Schedule of Permit Fees*

*Appendix C, Procedures for Determining Thermal Resistance (R) Values for Air Distribution Ducts and Plenums*

(Ord. No. 9361, § 2, 5-8-90; Ord. No. 10174, § 2, 3-7-95; Ord. No. 10677, § 2, 3-10-98)

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<sup>1</sup> **Editor's note**--Ordinance No. 8795, enacted May 26, 1987, amended the Code by adding thereto a new Ch. 22.5, to read substantially as herein set forth. Section numbering in accord with established Code format was at the discretion of the editor.

**Cross reference**--Board of adjustment and appeals for mechanical codes, § 2-425; mechanical codes review committee, § 2-426; buildings generally, Ch. 10; building code adopted, § 10-1; building code amendments, § 10-3; businesses, trades, etc., Ch. 11; electricity, Ch. 14; energy, Ch. 15; gas, Ch. 19; plumbing, Ch. 27.

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### **Sec. 22.5-3. Amendments to code adopted.**

The following sections and appendices of the Standard Mechanical Code, 1997 edition, are hereby amended, as hereinafter provided:

*Section 108, Construction Board of Adjustments & Appeals*, is amended by striking such Section in its entirety, and substituting in lieu thereof the following:

*Section 108. Board of Adjustments & Appeals.*

The Board of Adjustments and Appeals for the Mechanical Codes of the City of Chattanooga as established by Section 2-425, Part II, Chattanooga City Code, shall act as the Board of Adjustments and Appeals for appeals from any decision of the Building Official or his designee and consider variances of the technical codes as provided in this Code.

(Code 1986, § 22.5-3; Ord. No. 9361, § 3, 5-8-90; Ord. No. 10174, § 3, 3-7-95; Ord. No. 10677, § 3, 3-10-98)

### **Sec. 22.5-4. Same-violations; penalty.**

Any person, firm, corporation or agent who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof or who shall install, construct, alter, repair, replace or move any mechanical system, or has installed, altered, repaired, removed or replaced a mechanical system in violation of a detailed statement or drawing submitted to the chief building official and permitted thereunder, shall be guilty of a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) for each offense. Each such person shall be deemed guilty of a separate offense for each and every day's violation and during which [day] any violation of any provision of this code is permitted or continued, punishable by a fine of not more than fifty dollars (\$50.00) per day for each offense.

(Code 1986, § 22.5-4)

### **Secs. 22.5-5 -- 22.5-20. Reserved.**

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### **ARTICLE II. MECHANICAL JOURNEYMEN AND CONTRACTORS**

#### **DIVISION 1. GENERALLY**

##### **Sec. 22.5-21. Purpose.**

In the interests of the public health, safety and welfare, the following provisions establishing the board of mechanical examiners for the licensing and regulation of those engaged in mechanical heating, ventilation and air conditioning equipment installation are adopted.

(Code 1986, § 22.5-21)

##### **Sec. 22.5-22. Liabilities not affected.**

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any mechanical heating, ventilation and air conditioning equipment, devices, or appliances for damage to persons or property caused by any defect therein, nor shall the city be held as assuming liability by reason of the examination authorized herein or the license and certificate issued as herein provided.

(Code 1986, § 22.5-22)

##### **Sec. 22.5-23. Notices.**

Notices shall be considered sufficient when either delivered personally to the person to whom such notice is directed or when mailed to the last known address of the applicant as shown in the records of the board.

(Code 1986, § 22.5-23)

##### **Secs. 22.5-24 -- 22.5-30. Reserved.**

#### **DIVISION 2. BOARD OF MECHANICAL EXAMINERS**

##### **Sec. 22.5-31. Established.**

There is hereby created and established a board of mechanical examiners of the city.

(Code 1986, § 22.5-31)

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### **Sec. 22.5-32. Composition; appointment.**

The board of mechanical examiners shall consist of seven (7) members to be appointed by the mayor and confirmed by the city council.

(Code 1986, § 22.5-32; Ord. No. 9654, § 2, 1-6-92)

### **Sec. 22.5-33. Terms of members.**

Members of the board of mechanical examiners shall hold office for a term of four (4) years and until their successors are elected.

(Code 1986, § 22.5-33)

### **Sec. 22.5-34. Qualifications of members.**

Members of the board of mechanical examiners shall consist of:

- (1) A mechanical engineer holding a degree from a recognized college and licensed as an engineer by the state;
- (2) An educator or teacher;
- (3) A member of the mechanical, heating, ventilation and air conditioning industry without union affiliation;
- (4) A member of the mechanical, heating, ventilation and air conditioning contracting industry who is affiliated with a union;
- (5) A mechanical journeyman with at least five (5) years' experience;
- (6) A factory representative and/or supplier of mechanical, heating, ventilation and air conditioning equipment; and
- (7) A representative of the general public not connected with the mechanical industry.

(Code 1986, § 22.5-34)

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### **Sec. 22.5-35. Officers.**

(a) *Chairman.* One (1) member of the board of mechanical examiners shall be designated by the mayor as chairman of the board, which appointment as chairman shall be subject to the approval of the city council. Such member shall serve as chairman for his full term on the board or until his successor is elected.

(b) *Secretary.* The board shall select from its membership one (1) member to serve as secretary for at least one (1) year and until his successor is elected by the board.  
(Code 1986, § 22.5-35; Ord. No. 9654, § 2, 1-6-92)

### **Sec. 22.5-36. Removal of members; compensation; quorum**

Any member of the board of mechanical examiners may be removed for cause at any time by the mayor after ten (10) days' written notice. Such board shall serve without compensation. Four (4) members shall constitute a quorum for the transaction of business.  
(Code 1986, § 22.5-36; Ord. No. 9654, § 13, 1-6-92)

### **Sec. 22.5-37. Meetings.**

(a) *Regular meetings.* The board of mechanical examiners shall hold meetings on the second Thursday in April and October for the purpose of conducting examinations of applicants to determine their knowledge of the rules and regulations for the installation of mechanical, heating, ventilation, and air conditioning devices, appliances and equipment as set forth in the statutes of this state, this Code and other ordinances of the city and the Standard Mechanical Code; to issue licenses and certificates therefor; to determine the general qualifications and fitness of each applicant for executing the class of work covered by the license applied for and for the transaction of other business.

(b) *Special meetings.* Special meetings of the board of mechanical examiners may be called by the chairman with the approval of a majority of the board.  
(Code 1986, § 22.5-37)

### **Sec. 22.5-38. Records to be open to inspection.**

Records of the meetings of the Board of Mechanical Examiners, including the names of all licensees, shall be open for inspection by the public at all reasonable times.  
(Code 1986, § 22.5-38)

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### **Sec. 22.5-39. Appeals.**

Any person aggrieved by any action or decision of the board of mechanical examiners shall have the right of appeal to the board of adjustments and appeals by requesting an appeal in writing and by lodging such request with the codes coordinator of the city within ten (10) days after such action or decision.

(Code 1986, § 22.5-39)

### **Sec. 22.5-40. Regulations authorized; printing.**

The board of mechanical examiners may promulgate rules and regulations not inconsistent with this article, and in such event shall have such rules and regulations printed for distribution.

(Code 1986, § 22.5-40)

### **Secs. 22.5-41 -- 22.5-50. Reserved.**

## DIVISION 3. EXAMINATIONS, LICENSES AND CERTIFICATES

### **Sec. 22.5-51. Application for examination required; contents; qualifications.**

(a) *Application for Examination.* All persons now or hereafter desiring to engage in the installation, servicing and/or repairing of mechanical or environmental control systems, including alterations, repairs, replacement of equipment, appliances, fixtures, fittings and/or appurtenances, and including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems, either as a Class 1 HVAC unrestricted contractor, a Class 2 HVAC restricted contractor, a Class 2 unrestricted sheet metal contractor, a Class 1 restricted sheet metal contractor, a Class 1 or Class 2 HVAC mechanic, or a Class 1 or Class 2 sheet metal mechanic, shall apply in writing to the secretary of the Board for an application to take the respective examination, as specified in this division. Such application must be completed fully and returned to the secretary of the Board with a check or money order for the proper examination fee no later than thirty (30) days prior to the examination date. Upon approval of the application by the Board, the applicant shall appear before the Board for examination for the particular license applied for. The examinations for Class I HVAC unrestricted contractor, Class 2 HVAC restricted contractor, Class 1 unrestricted sheet metal contractor, Class 2 restricted sheet metal contractor, Class 1 and Class 2 HVAC mechanics and Class 1 and Class 2 sheet metal mechanics, shall be different, reasonable and especially thorough, so as to obtain from the applicant an understanding of the extent of his knowledge of the subjects upon which he is questioned.

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(b) *Qualifications of HVAC and Sheet Metal Mechanics.* Any person shall be eligible for examination as an HVAC or sheet metal mechanic who:

- (1) Has three (3) or more years' practicable experience as a registered HVAC/sheet metal helper in the metropolitan area of the city. One (1) year shall be equivalent to a minimum of two thousand (2,000) hours' actual experience in HVAC/sheet metal installations; or
- (2) Has previously held an unrevoked HVAC mechanic or sheet metal mechanic license in the city or any other governmental agency licensing HVAC and sheet metal mechanics; and/or
- (3) Has had such experience in heating, ventilation and air conditioning work or sheet metal work as shall be acceptable to the Board.

(c) *Qualifications of Class 1 HVAC unrestricted contractors and Class 1 sheet metal contractors.* Any person shall be eligible for the examination as a Class 1 HVAC and/or Class 1 sheet metal contractor who:

- (1) Has three (3) or more years' practicable experience as a Class 1 or Class 2 HVAC and/or sheet metal mechanic in a metropolitan area of the city; or
- (2) Has had three (3) or more years' experience as a Class 2 HVAC or sheet metal contractor in a metropolitan area of the city; or
- (3) Has held an unrevoked Class 1 HVAC or sheet metal contractor's license in the city; or any other governmental agency licensing HVAC and sheet metal contractors; or
- (4) Has a professional license to practice engineering in the state; and/or
- (5) Has had such education and experience in heating, ventilation and air conditioning systems and/or sheet metal installation and design in commercial, industrial or residential installations as shall be acceptable to the Board.

(d) *Qualifications for Class 2 HVAC and Sheet Metal Contractors.* Any person shall be eligible for the examination as a Class 2 HVAC or sheet metal contractor who:

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- (1) Has had three (3) or more years' experience as a licensed Class 1 or 2 HVAC and/or Class 1 or 2 sheet metal mechanic in the metropolitan area of the city; or
- (2) Has held an unrevoked Class 2 HVAC or sheet metal license in the city; or any other governmental agency licensing HVAC and/or sheet metal contractors; or
- (3) Has a degree from an accredited school with major course experience in heating, ventilation and air conditioning systems or sheet metal systems; or
- (4) Has such experience in heating, ventilation and air conditioning systems and sheet metal systems as shall be acceptable to the Board.

(e) *Proof of Qualifications.* The Board shall require written proof of any of the above qualifications, and it is the responsibility of the applicant to provide such definite proof with his application.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-52. Examinations to be written; records required.**

Examinations for Class 1 and Class 2 HVAC and sheet metal contractors, and Class 1 and Class 2 HVAC and sheet metal mechanics given by the Board shall be written and a complete record of the results of every examination shall be kept on file by the Board for a minimum period of three (3) years after the date of examination.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-53. Passing examination; issuance of license.**

Any applicant making a grade of seventy (70%) percent or more on each section of the written examination shall be considered qualified for, and the Board shall issue to the applicant, the particular license which was applied for upon payment of the required fees and the furnishing of all other required information specified within this chapter. All such licenses shall be signed by the Chairman and secretary of the Board.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-54. Examination fee established.**

Examination fees in the following amount shall accompany the application for examination:



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HVAC mechanic .....	\$	40.00
Sheet metal mechanic .....	\$	40.00
Class 1 HVAC unrestricted contractor .....	\$	50.00
Class 2 HVAC restricted contractor .....	\$	50.00
Class 1 sheet metal contractor .....	\$	50.00
Class 2 restricted sheet metal contractor .....	\$	50.00
HVAC Plant Master License .....	\$	50.00

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-55. License fee established.**

Fees for license granted or renewed under this article shall be for each year or part thereof as follows:

HVAC mechanic .....	\$	20.00
Sheet metal mechanic .....	\$	20.00
Class 1 HVAC unrestricted contractor .....	\$	200.00
Class 2 HVAC restricted contractor .....	\$	100.00
Class 1 sheet metal contractor .....	\$	200.00
Class 2 restricted sheet metal contractor .....	\$	100.00
HVAC Plant Master License .....	\$	100.00
Plant Mechanical License .....	\$	200.00
Registered Helper .....	..	No Charge

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-56. Disposition of fees.**

Fees required by this article shall be collected by the secretary of the Board of Mechanical Examiners and paid over to the city treasurer. All expenses incurred by such Board shall be paid by the city treasurer from the fees collected. Any balance left in such funds shall be held by the city treasurer subject to the order of the city council, and in no event shall the Board incur a greater expense than the amount collected in fees.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9654, § 134, 1-6-92)

### **Sec. 22.5-57. Licenses and certificates required.**

No person shall engage in or hold himself out as being in the business of installing, servicing, maintaining or repairing environmental-control systems, pipefitting and structural layout or in the

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fabrication, assembly and/or installation of duct work, chassis parts for heating, ventilation and air conditioning systems in the city unless such person has received a mechanical license of the appropriate class and a certificate therefor; or in the case of a firm or corporation, unless it is owned or operated by, or has in its regular employment, a person who has received a mechanical license of the appropriate class and a certificate therefor.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-58. Classes of license; limitations.**

(a) The following classes of licenses shall be issued by the Board of Mechanical Examiners.

(b) A Class 1 HVAC unrestricted contractor license shall entitle the holder thereof to perform the installation, servicing, maintenance and repairing of heating, ventilation and air conditioning environmental control systems with no input restriction upon the amount of tonnage or cooling or BTU restriction upon heating. A Class 1 HVAC contractor's license shall entitle the holder thereof to engage in the business of and secure permits for the installation, alteration and repair of heating, ventilation, air conditioning and/or environmental control systems with the city utilizing knowledge of heating, refrigeration and/or control theories, pipefitting or structural layouts in the city, subject to any limitation in effect for such license.

(c) A Class 2 HVAC contractor license shall entitle the holder thereof to perform the installation, servicing, maintenance and repair of heating, ventilation and air conditioning environmental control systems within the city subject to a restriction of five (5) tons maximum per unit cooling and/or a maximum of two hundred thousand (200,000) BTU input or equivalent heating units. A Class 2 HVAC contractor's license shall entitle the holder thereof to engage in the business of and secure permits for the installation, alteration and repair of heating, ventilation and air conditioning systems for mechanical work subject to any limitation in effect for such license.

(d) A Class 1 unrestricted sheet metal contractor license shall entitle the holder thereof to perform the installation, servicing, maintenance, fabrication and repair to any heating, ventilation or air conditioning duct work within the city without limitation on the amount of tonnage per unit cooling and/or BTU input per unit heating. A Class 1 sheet metal contractor's license shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration and repair of heating, ventilation or air conditioning duct work and chassis parts within the city subject to any limitation in effect for such license.

(e) A Class 2 sheet metal contractor's license shall entitle the holder thereof to perform the installation, servicing, fabrication and repair of heating, ventilation and air conditioning duct work or

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chassis parts within the city subject to a limitation of five (5) tons per unit cooling and/or two hundred thousand (200,000) BTU input or equivalent heating upon any specified work. A Class 2 sheet metal contractor's license shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration and repair of heating, ventilation and air conditioning duct work within the city subject to the specified limitations of such license.

(f) A Class 1 HVAC mechanic license shall entitle the holder thereof to perform the installation, alteration and repair of any environmental/control system within the city utilizing knowledge of heating and refrigeration and/or control theories, pipefitting, or structural layouts, under the supervision of a holder of a Class 1 or Class 2 HVAC contractor license. The holder of a HVAC Class 1 mechanic license may supervise other licensed mechanics or registered helpers but may not be issued permits for mechanical work.

(g) A Class 2 HVAC mechanic license shall entitle the holder thereof to perform the installation, alteration and repair of heating, ventilation and air conditioning environmental control systems in the city subject to a limitation of five (5) tons maximum per unit cooling installed and/or a maximum of two hundred thousand (200,000) BTU input or equivalent per unit heating under the supervision of a holder of a Class 1 or Class 2 HVAC contractor license. The holder of a Class 2 HVAC mechanic license may supervise other licensed mechanics or registered helpers but may not be issued permits for mechanical work.

(h) A Class 1 sheet metal mechanic license shall entitle the holder thereof to perform the installation, alteration and repair of duct work and chassis parts in heating, ventilation and air conditioning systems within the city without limitation under the supervision of a holder of a Class 1 or Class 2 HVAC contractor or sheet metal contractor license. The holder of a Class 1 sheet metal contractor license may supervise other licensed mechanics or registered helpers but may not be issued permits for mechanical work.

(i) A Class 2 sheet metal mechanic license shall entitle the holder thereof to perform the installation, servicing and repair to heating, ventilation and air conditioning duct work and chassis parts within the city subject to a limitation of five (5) tons maximum per unit cooling and/or two hundred thousand (200,000) BTU maximum per unit heating under the supervision of a holder of a Class 1 or Class 2 HVAC contractor or sheet metal contractor's license. The holder of a Class 2 sheet metal contractor license may supervise other licensed mechanics or registered helpers subject to the above limitations but may not be issued permits for mechanical work.

(j) The Board of Mechanical Examiners may also issue special restricted licenses to such persons as it determines qualified.

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(k) Upon application, the Board of Mechanical Examiners shall issue a plant mechanical license to manufacturing firms, apartments, motels, hospitals, or any other commercial business which does in-house maintenance of HVAC work as the holder of a license to undertake the work of maintaining, repairing, replacing, relocating, altering, extending, and/or installing mechanical systems within buildings occupied by the license holder as owner or lessee subject to the following limitations and conditions:

- (1) A holder of a plant license, through its qualified representative, is held responsible for all work done under its license and is subject to the penalties provided for in the applicable codes and statutes.
- (2) The person named on the license application as the holder's designee shall be responsible for the mechanical work being done. The work is to be done by full-time employees of the firm under the direct supervision of the designee and/or a licensed HVAC mechanic of the appropriate classification for the work performed.
- (3) The designee shall be a full-time employee of the license holder and hold a valid HVAC plant master's license or, for a period not to exceed six (6) months, a plant master's license issued in accordance with other sections in this article. In the absence of a qualified full-time employee, an outside Class 1 HVAC mechanical contractor may be named as a designee, but all work must be done by the employees of the contractor who are properly licensed in accordance with other sections of this article.
- (4) If the designee should terminate his employment with the license holder, such firm shall immediately provide the name of a replacement, who meets the qualifications in paragraph (2) above, to the Board of Mechanical Examiners. If no licensed person is available, and an individual having a minimum of five (5) years' experience as an HVAC mechanic or equivalent may serve temporarily in this position for a period not to exceed six (6) months until the person has the opportunity to take the examination at its next offering.
- (5) Work performed, other than that excepted in Section 22.5-59, under the plant mechanical license is subject to inspections made annually, at a time arranged with the designee, covering that work performed during the previous year. Permits shall be obtained for mechanical work in or on buildings, additions and structures and inspections made in accordance with other sections in this chapter. It will be the responsibility of the designee to call for inspections at the rough-in and final stages on

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work for which permits are obtained. Inspections may be made at other times for cause.

- (6) Application for a plant mechanical license shall be made by the owner, officer of the corporation, or other responsible person having authority to attest to the firm's acceptance of responsibility for all work done under this license, and acknowledge it is subject to the penalties and liabilities provided in this and other applicable codes. The license is subject to suspension or revocation at any time in accordance with the provisions in this article.
- (7) All work under this section will be done in accordance with the Southern Standard Mechanical Code as adopted by this chapter.

(l) An HVAC plant master license shall entitle the holder thereof to be named as a designee of a plant mechanical license and to supervise full-time employees of the firm in the maintenance, repair, replacement, relocation and alteration of existing mechanical systems in or on existing buildings owned or used by that firm subject to the conditions in paragraph (k) above.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-59. Appropriate license and certificate prerequisite to doing work; exceptions.**

(a) Where any mechanical work is being done, involving the installation, alteration and repair of heating, ventilation and air conditioning environmental control systems in the city, excluding work on ducts and chassis parts, it shall be done by a licensed HVAC mechanic of the appropriate classification, and no person shall, in any manner, be in the business of or secure permits for installing, maintaining, altering or repairing any heating, ventilation and air conditioning environmental control system within the city unless such person has received either a Class 1 or Class 2 HVAC contractor's license and certificate therefor. Where any mechanical work is being done which results in installation, servicing and repairs to heating, ventilation and air conditioning duct work and chassis parts within the city, it shall be done by a licensed sheet metal mechanic, of the appropriate classification for the work performed, and no person shall, in any manner, be in the business of or secure permits for installing, maintaining, altering or servicing any heating, ventilation and air conditioning duct work and chassis parts within the city unless such person has received either a Class 1 or 2 sheet metal contractor's or Class 1 or Class 2 HVAC contractor's license of the appropriate classification for the work performed and a certificate therefor; provided that, no license shall be required in order to execute any of the following classes of work:

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- (1) Ordinary minor repairs for which permits are not required as specified within Section A103.1.3 of the Mechanical Code.
- (2) Any work involved in the manufacture, test or repair of mechanical materials, devices, appliances or apparatus so long as such manufacture, test or repair is not performed at the location of installation of heating, ventilation and air conditioning environmental control systems in the city.
- (3) Any work not specifically covered by the Mechanical Code.
- (4) Any mechanical work done by a registered helper under the direct supervision of a licensed HVAC or sheet metal mechanic in accordance with Section 22.5-57.

(b) It shall be unlawful for a Class 1 or 2 HVAC contractor or a Class 1 or 2 sheet metal contractor or HVAC plant master to allow any person who is not licensed as a HVAC mechanic or sheet metal mechanic of the appropriate classification to directly supervise any mechanical work.

(c) It is understood that any work listed in this Code to be done within a firm holding a plant mechanical license can be performed by an HVAC mechanic of the appropriate classification for the work performed and any responsibilities of an HVAC plant master or a Class 2 HVAC mechanical contractor or Class 1 and Class 2 HVAC sheet metal contractor can be performed by a Class 1 HVAC contractor.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-60. Expiration, renewal of license.**

All licenses granted by the Board of Mechanical Examiners shall expire on the thirty-first (31st) day of October following the date of issuance. All licenses shall be renewable upon application of the holder within thirty (30) days prior to the expiration date of the license, upon payment of the annual fee set out in this Article in compliance with the statement required by the Board in this article. Any licensee who fails to make application and pay the required fee within such period of thirty (30) days, may be required to take another examination by the Board unless such applicant shows good and sufficient cause for his failure to make such timely application for the renewal; provided that, if any licensee enters active service in the Armed Forces of the United States, he shall be granted a renewal license upon his application after discharge from such service, if such application is presented to the Board within six (6) months following the date of his discharge.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9625, § 1, 10-15-91)

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### **Sec. 22.5-61. Review of renewal applications; statement required.**

It shall be the duty of the Board of Mechanical Examiners to review all applications for the renewal of any license, and the Board shall require that each applicant for renewal shall file a statement signed by the applicant that he has not misused his license and that he has abided by this Code and the ordinances of the City pertaining to mechanical contractors and the installation, alteration and repair of any heating, ventilation and air conditioning environmental control systems, including duct work or chassis parts. If an applicant for renewal cannot honestly file such a statement, a full explanation of the reasons must accompany the renewal application in lieu of all or part of the required statement. (Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-62. Specific responsibilities of license holders of mechanical business.**

(a) Every holder of a Class 1 or Class 2 HVAC or sheet metal contractor's license shall keep his certificate and license displayed in a conspicuous place at his principal place of business and every Class 1 or Class 2 HVAC or sheet metal contractor's license holder shall identify any vehicles used in the installation, servicing and repair of heating, ventilation and air conditioning environmental control systems, including duct work or chassis parts, with his certificate number and his name or the name of the company with which he is associated in letters and numerals not less than three (3) inches high on each side of said vehicles.

(b) Every holder of any license issued under this article will also be issued a license card annually with his license renewal which he shall carry with him at all times while engaged in any mechanical work and shall show when requested to do so by any mechanical inspector or other duly authorized person having responsibility for enforcing these articles.

(c) The Board of Mechanical Examiners and the Chief Mechanical Inspector shall be notified in writing of the name of the firm with whom the holder is associated.

(d) The license holder shall be a full-time employee of the corporation, partnership, sole proprietorship or other business entity which he represents, during the normal working hours of said business represented. The license holder shall not obtain permits for any other corporation, firm, association, or other individual. Further, the license holder shall neither represent nor obtain permits for more than one (1) corporation, firm, association, or individual at any one time.

(e) Any license holder who applied as and was licensed as a representative of a corporation, partnership, sole proprietorship or other business entity and who ceases to be a representative of such corporation, partnership, sole proprietorship or other business entity for whatever

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reason, shall immediately notify the Board in writing of such termination. The Board shall immediately contact the corporation, partnership, sole proprietorship or other business entity by which the holder was employed and ascertain the status of current bids, contracts, permits, etc. covering work being or to be performed in the City, and the Board may, in its discretion, relieve any hardships and permit such work on a temporary basis as it deems advisable.

(f) If the Board becomes aware of the death or incompetency of any license holder, the Board shall contact the corporation, partnership, sole proprietorship or other business entity with whom the license holder was associated regarding the status of all ongoing work. The Board shall require any ongoing business to obtain a licensed contractor who shall be responsible for any ongoing work after the death or incompetency of the license holder associated with the business. Any license holder assisting in the operation of an ongoing business previously operated by a deceased or mentally or physically incompetent license holder shall not be in violation of subsection (d) above provided, however, that such license holder cannot continue operating more than one (1) business entity for a period of more than two (2) years after the date of death or onset of physical or mental incompetency.

(g) The license holder shall have ultimate responsibility for all work performed under his license and shall require all work to be performed in accordance with the Mechanical Codes and ordinances lawfully adopted by the City of Chattanooga.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9625, § 3, 10-15-91)

### **Sec. 22.5-63. Licenses; certificates not transferable.**

No license and certificates issued in accordance with the provisions of this article shall be assignable or transferable.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-64. Suspension; revocation of certificates; denials of renewal.**

(a) The Board of Mechanical Examiners shall revoke or suspend a certificate issued to any HVAC or sheet metal contractor or mechanic upon positive proof that such person:

- (1) Knowingly violated the provisions of this chapter or the rules and regulations of the Board.
- (2) Practiced fraud or deception in making application for or obtaining such certificate for registration.
- (3) Is incompetent to perform a service to the public as certified.



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- (4) Permitted his certificate of registration to be used, directly or indirectly, by another to obtain or perform mechanical work or services.
- (5) Is guilty of such other unprofessional or dishonorable conduct of such nature as to deceive or defraud the public.
- (6) Has done mechanical work in excess of that permitted by the license held.
- (7) Failed to comply with this chapter of this Code, the requirements of the Mechanical Code, repeatedly failed to obtain permits required before commencing work.
- (8) Has obtained a permit directly or indirectly for another unless the license holder shall be the supervisor of all work covered by the permit.
- (9) Has received from another any compensation wherein the sole consideration thereof is obtaining of a permit.

(b) The Board may refuse to issue or renew a certificate of license to any applicant who has misused his license due to lack of expertise; or to any applicant who has demonstrated a lack of financial responsibility during the term of his license; or to any applicant who has submitted false evidence with regard to an application for license or renewal; or to any applicant who has been guilty of any act or conduct which would constitute grounds for revocation or suspension of a certificate as herein provided; provided, however, the Board shall not disapprove any renewal until after the applicant has been accorded an opportunity to be heard after five (5) days' notice by registered mail or personal service of such a notice.

(c) No action of the Board to suspend or revoke a certificate of competency or registration shall become final until the alleged offender has been given an opportunity to appear before the Board to show cause as to why such action should not be taken.

(d) Notice, in writing, of the proposed action of the Board to revoke or suspend a certificate shall be given to the holder of such certificate, stating the specific charges upon which such action is based. The notice shall stipulate that a hearing will be scheduled at a time and place set by the Board for the party to show cause why such action should not be made final. Such hearing shall not be held less than five (5) days following notice to the party. Failure to appear before the Board to answer the specific charges set forth in the notice shall be deemed just cause for final revocation or suspension of a certificate.

## CHATTANOOGA CITY CODE

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-65. Certain persons exempted from written examinations.**

- (a) *Existing Business.*
  - (1) All persons holding Class 1 and Class 2 HVAC contractor's license, Class 1 and Class 2 sheet metal contractor's licenses, Class 1 and Class 2 HVAC mechanic license and Class 1 and Class 2 sheet metal mechanic licenses in accordance with Section 22.5-65 will be exempted from taking the examination required by this article. All other persons desiring such licenses shall be required to conform to the requirements of this article.
  - (2) Any person who shall be otherwise qualified as an HVAC contractor, sheet metal contractor, HVAC mechanic or sheet metal mechanic as hereinbefore set out in Section 22.5-51 whose principal occupation has been installing, maintaining, altering and repairing heating, ventilation and air conditioning systems or equipment for three (3) or more years next preceding the effect of this subsection shall be exempted from the taking of a written examination for a license as required by this article. The Board of Mechanical Examiners is hereby authorized to issue a license to such persons on written application for such licenses, accompanied by sufficient proof of the aforesaid qualifications and the payment of the license fees requested set out in this article, provided that such applications for such license and payment therefor are made within one (1) year after the effective date of this subsection.
- (b) *Newly-Annexed Territory.*
  - (1) All HVAC or sheet metal contractors who have had an established place of business located in newly-annexed territory and whose principal business has been in such territory and whose principal business has been mechanical contracting and who have maintained such place of business for three (3) or more years next preceding the date of the annexation of such territory shall be exempted from taking the written examination required by this article. The Board of Mechanical Examiners is hereby authorized in its discretion to issue Class 1 and 2 HVAC contractor or sheet metal contractor licenses to such persons as it deems qualified upon written application for such license, the submission of adequate written proof of the above requirements and the payment of fees set out in this article, provided that such application and payment is made within one (1) year after the date of annexation of such territory.

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- (2) HVAC and sheet metal mechanics who are qualified under Section 22.5-51(b) of this article and whose legal place of residence has been in the newly-annexed area for the three (3) years next preceding the annexation of such territory or who are currently employed by a Class 1 or 2 HVAC or sheet metal contractor whose principal place of business is in the newly-annexed area shall be exempted from taking the examinations required by this article. The Board of Mechanical Examiners is hereby authorized to issue HVAC or sheet metal mechanic licenses of the appropriate classification to such persons upon written application for said license, the submission of adequate written proof of the above requirements and the payment of fees set out in this article, provided that such application and payment is made within one (1) year after the date of annexation of said territory.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-66. Temporary certificates.**

Anything hereinabove to the contrary notwithstanding, however, it shall be lawful for the Board of Mechanical Examiners through the Office of the Chief Mechanical Inspector of the city, to issue a temporary HVAC or sheet metal mechanic's license to any applicant who presents evidence of qualifications as an HVAC or sheet metal mechanic and pays the prescribed fee. The Chief Mechanical Inspector shall determine the qualifications of the applicant and may at his discretion restrict the limits of the use of the temporary license. The temporary HVAC or sheet metal mechanic's license shall be valid for one (1) year from the date of issue and may be renewed for not more than one (1) additional year, at the discretion of the Chief Mechanical Inspector. The intent of this limitation of renewal is to limit one (1) individual to no more than two (2) years of operation under temporary license. The Board of Mechanical Examiners may revoke for just cause the said temporary HVAC or sheet metal mechanic's license permit at any time.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9625, § 2, 10-15-91)

### **Sec. 22.5-67. Helper registration.**

Any person who shall apply for registration as an HVAC or sheet metal helper upon form provided for that purpose by the city at the Office of the Chief Mechanical Inspector shall be registered as such by the Board of Mechanical Examiners without examination and without charge, and a certificate of registration as an HVAC or sheet metal helper shall be issued to such applicant, without charge, and such certificate of registration shall be permanent and not renewed annually. Any helper shall only do mechanical work under the direct supervision of a licensed HVAC or sheet metal mechanic of the appropriate classification for the work that is performed.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9625, § 2, 10-15-91)